

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

Ted Johnson, Sr.,

Case No. 3:10 CV 1026

Petitioner,

O R D E R

-vs-

JUDGE JACK ZOUHARY

Edward Sheldon, *Warden*,

Respondent.

This Court has reviewed the Report and Recommendation (“R&R”) of the Magistrate Judge (Doc. No. 16). Under the relevant statute (28 U.S.C. § 636(b)(1)):

Within fourteen days after being served with a copy, any party may serve and file written objections to such proposed findings and recommendations as provided by rules of court. A judge of the court shall make a *de novo* determination of those portions of the report or specified proposed findings or recommendations to which objection is made.

The failure to file written objections constitutes a waiver of a *de novo* determination by the district court of an issue covered in the R&R. *United States v. Sullivan*, 431 F.3d 976, 984 (6th Cir. 2005).

This Court has reviewed the R&R, finds it to be correct, and adopts it in its entirety. This decision is further supported by the recent Sixth Circuit decision in *Ruhlman v. Brunsman*, --- F.3d --- 2011 WL 6441210 (6th Cir. Dec. 23, 2011). The Petition for Writ of Habeas Corpus (Doc. No. 1) is denied and the case is dismissed.

Furthermore, pursuant to 28 U.S.C. §§ 1915(a) and 2253(c), this Court certifies that an appeal of this action could not be taken in good faith and that Petitioner has failed to make a substantial showing of the denial of a constitutional right. Therefore, this Court declines to issue a certificate of appealability.

IT IS SO ORDERED.

s/ Jack Zouhary
JACK ZOUHARY
U. S. DISTRICT JUDGE

January 6, 2012